

***United States Court of Appeals
for the Second Circuit***



APPENDIX

77-1274

To be argued by
STEVEN LLOYD BARRETT

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,
Appellee,

-against-

JOSE ACOSTA,
Appellant.

B
P/s
Docket No. 77-1274

APPENDIX FOR APPELLANT
JOSE ACOSTA

ON APPEAL FROM A JUDGMENT
OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARTIN ERDMANN, ESQ.,
THE LEGAL AID SOCIETY
Attorney for Appellant
JOSE ACOSTA
FEDERAL DEFENDER SERVICES UNIT
APPEALS UNIT
509 United States Courthouse
Foley Square
New York, New York 10007
(212) 732-2971

STEVEN LLOYD BARRETT,

of counsel.



PAGINATION AS IN ORIGINAL COPY

CRIMINAL DOCKET - U.S. District Court

OFFENSE NO. JUDGE/MAGISTRATE Assigned U.S. ACOSTA, JOSE
 CHARGE NO. 0208 01 0862
 CHARGE MIS. (Dep. Sentence)
 COUNTY FILE NO. 01

Case Filed No. Day
 12 14 76 1125 01
 No. of Counts 01

U.S. MAG. CASE NO. 76-1209

13. TITLE SECTION
 18:472

OFFENSES CHARGED

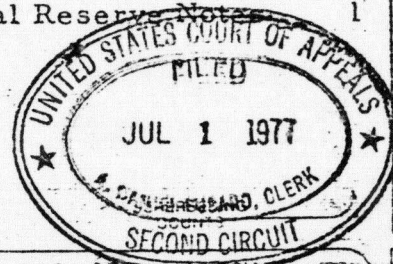
ORIGINAL COUNTS

Possess. of counterfeit Federal Reserve Notes 1

18:472

Possess. of counterfeit Federal Reserve Notes 1

6/23



U.S. MAG. CASE NO. 76-1209
 RELEASE
 AMT. ☐ Fugitive
 Detained ☐ Set ☐ Par. Recog.
 \$ 000 ☒ PSA
 Date ☐ 10% Deposit
☐ Surety Bond
☒ Bail Not Made ☐ Collateral
☐ Status Changed (See Docket) ☐ Ord. ☐ Pny/Cust. Other

H. KEY DATES & INTERVALS

ARREST OR	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began *10/22/76	Information 12-14-76	12-23-76	Trial Set For 3-28-77	5-9-77
Summons Served	Indict. Waived	1st Plea 12-23-76	☒ NG ☐ G ☐ VOL	6-16-77
First Appearance	Subsiding Indict. Info ☐ 4-21-77	Final Plea 5-9-77	☐ G ☒ NG ☐ VOL	☒ On All Charges ☐ On Lesser Offenses
In Charging District				☐ On Government Motion

SEARCH WARRANT	DATE	INITIAL NO.	INITIAL APPEARANCE DATE	INITIAL NO.	OUTCOME
Issued Returned	10/23/76	NG-08AJ	10/23/76	NG-08AJ	HELD FOR 30 OR OTHER PROCEEDING IN DISTRICT COURT
Summons Issued Served			11/10/76		HELD FOR 30 OR OTHER PROCEEDING IN DISTRICT COURT
PRELIMINARY EXAMINATION OR REMOVAL HEARING					
MAILED ☒ NOT MAILED					
INTERVENING INDICTMENT					
OFFENSE NO. 18 USC 472 - POSSESSION OF A FORGED U.S. FEDERAL NOTE					

U.S. Attorney for Dist.

ATTORNEYS

Richard F. Lawler
 791-0012

273

-461

Now set names and write numbers of other defendants on same indictment information.

DATE	DOCUMENT NO.	PROCEEDINGS
10/23/76		Complaint filed, Legal Aid assigned. Defendant released until 10/26/76 to make \$2,000 PRB without security and co-signed by parents.
12/14/76		Indictment filed, 76 Cr. 1125.....Griesa, J.
12-23-76		Def. (atty. Roland Thau present) pleads not guilty. Def. remanded until he signs PRB bond, ie. \$2,000 PRB co-signed by parents. Case assigned to Owen, J. for all purposes.....Carter, J.
12-23-76		Filed Unsecured PRB in the Amt. of \$2,000.00.
12-28-76		Filed Remand.
1-11-77		Dfts. Atty. Roland Thau substituted by John Curley Present for PTC. Dft. not present- Trial Set for Mar. 28th at 10:00 P.M. Room 1595....Owen J.
4-7-77		Filed Dfts Notice of Motion to Suppress. Ret. 4-8-77.

IV. PROCEEDINGS (continued)		PAGE TWO	V. EXCLUDABLE DELAY			
DATE	DOCUMENT NO.		EXCLUDABLE DELAY	DATE	REASON	LET
4-8-77	Bft. Present w/atty. Roland Thau, for Probable Cause Hearing. Court Finds there was Pridable Cause. Trial Set for April 25th @ 10:00 AM.....Owen J.					
4-11-77	Filed Dfts. Notice of Motion to Suppress. Ret. 4-8-77.					
4-11-77	Filed Memo. End. on motion dtd. 4-11-77. Motion Denied. See minutes dtd. 4/8/77, for findings & conclusions set forth...Owen J. (mn)					
4-12-77	Filed Govts. Notice of Readiness for Trial on or after 4-13-77.					
4-21-77	Filed Superseding Indictment & referred to Owen, J.Stewart, J.					
5-18-77	Filed transcript of record of proceedings, dated 4-8-77					
6-16-77	Filed Judgment & Commitment (Atty. Roland Thau Pres.) The Dft. is hereby committed at the custody of the Atty. Gen. or his authorized representative for imprisonment as a Young Offender under Title 18 U.S.Code Sec. 5010(b) to an Indeterminate period for treatment & supervision. Dft. is Remanded.....Owen J. Issued Commitment 6-20-77					
5-9-77	Dft. Appears with his atty. Roland Thau & Now Pleads Guilty to Indictment. Plea is accepted. P.S.I. Ordered. Bail Cont'd Sentence Date Set for June 16, 1977 @ 2:15 PM.....Owen J.					
6-9-77	Orig. Indictment Dismissed.....Owen J.					
6-21-77	Filed True Copy of J&C with marshals ret. Dft. Delivered to Warden, MCC, NY on 6-16-77.					
6-23-77	Filed Dfts. Notice of Appeal from judgment dtd. 6-16-77. (mn)					

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	CD NUMBER	DATE	RECEIPT NUMBER	CD NUMBER

A TRUE COPY
RAYMOND E. BURGHARDT, Clerk

Deputy Clerk



76 CRIM. 1125

81

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

UNITED STATES OF AMERICA :

- v - :

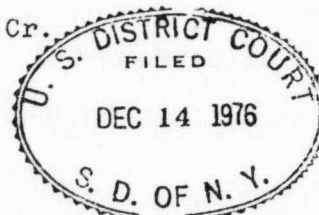
JOSE ACOSTA, :

Defendant. :

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INDICTMENT

76 Cr.



The Grand Jury charges:

On or about the 22nd day of October, 1976 in the Southern District of New York JOSE ACOSTA, the defendant, unlawfully, wilfully and knowingly, with intent to defraud, did pass, utter, publish and sell and attempt to pass, utter, publish and sell and did keep in his possession and conceal falsely made, forged and counterfeited obligations and securities of the United States, to wit, falsely made, forged and counterfeited ten dollar Federal Reserve Notes.

(Title 18, United States Code, Section 472.)

Donella H. Bennett
Foreman

Robert B. Fiske, Jr.
ROBERT B. FISKE, JR.
United States Attor. v

MICROFILM

DEC 14 1976

76 CRIM. 1125

Form No. USA-33a-274 (Ed. 9-25-58)

United States District Court
SOUTHERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA

vs.

JOSE ACOSTA,

Defendant.

INDICTMENT

76 Cr.

(18 U.S.C. § 472.)

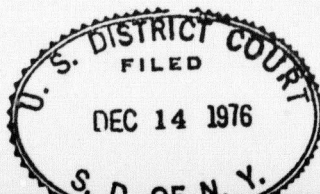
ROBERT B. FISKE, JR.

United States Attorney.

A TRUE BILL

Donella H. Bennett

Foreman.



12-14-76 JUDGE OWEN

Indictment. Guilty

12-23-76 - 10:00 (Atty. Roland Shan)

Plead not guilty. Dyr. Remanded
until he signs PRB bond, i.e.
\$2000. PRB, cp/signed by parents,
Assigned Owen for all purposes
Carter

JAN 11 1977 - DEFS. ROLAND SHAN SUBSTITUTED BY JOHN
CURLY PRESENT FOR PTC. DEFT NOT PRESENT. TRIAL SET FOR
MAY 28TH AT 10:00 P.M. KIN 1505

Owen, J.

4-8-77 - DEFT. PRESENT W/ATTY. ROLAND SHAN, FOR PROSEC.
CAUSE HEARING. COURT FINDS THERE WAS PROSEC.
CAUSE. TRIAL SET FOR APR. 25TH AT 11:00 A.M.

Owen, J.

6-9-77 - orig Indictment dismissed

Owen J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

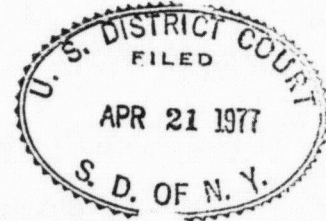
JOSE ACOSTA,

Defendant.

(S) 76 CR 1125

INDICTMENT

S76 Cr. 1125 (RO)



The Grand Jury charges:

On or about the 22nd day of October, 1976

in the Southern District of New York, JOSE ACOSTA,
the defendant, unlawfully, wilfully and knowingly,
with intent to defraud, did pass, utter, publish and
sell and attempt to pass, utter, publish and sell and
did keep in his possession and conceal falsely made,
forged and counterfeited obligations and securities
of the United States, to wit, falsely made, forged and
counterfeited ten dollar Federal Reserve Notes.

(Title 18, United States Code, Section 472.)

Leo Acostine
FOREMAN

Robert B. Fiske, Jr.
ROBERT B. FISKE, JR.
United States Attorney

MICROFILM

APR 24 1977

United States District Court
SOUTHERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA

vs.

JOSE ACOSTA,

Defendant.

INDICTMENT

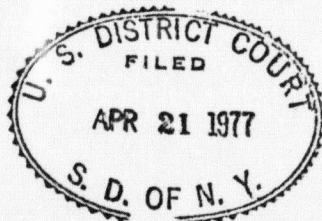
(18, U.S.C. §472.)

ROBERT B. FISKE, JR.

United States Attorney.

A TRUE BILL

Leo Agostini
Foreman.



April 21, 1977 - Jailed Indictment
and referred to Owen as being
related to and superseding 76 G. 1125
(RO).
Stewart
L

MAY 9 1977 - DEFT. APPEARS WITH 1417 1STTY KILIAN
TITAN, + NOW PLEADS GUILTY TO ABOVE INDICT.
PLEA IS ACCEPTED. P.S.I. ORDERED. 90% CONT'D. SENTENCE
DATE SET FOR JUN 16, 1977 @ 2:15 P.M.
OWEN, J.

JUN 16 1977 DEFT. APPEARS w/1STTY KILIAN TITAN FOR SENTENCE
PUSHED TO TITLE 18, U.S.C. SECTION 5010 (b) TO CUSTODY
OF 1STTY. GEN. FOR TITAN MIND + SUPERVISOR FOR INDIVIDUAL
TERM UNTIL DISCHARGED. DEFT. IS REMANDED.
OWEN, J.

1 lzrf

2 on the other side of the building toward which Mr.
3 Rodriguez had pointed and thereupon saw Mr. Acosta coming
4 through fitting that description very clearly, walked with
5 him a distance parallel and then arrested him.

C
6 I find that the police officers of White Plains
7 had reasonable cause to believe that Mr. Acosta was
8 involved as a co-conspirator or an aider and abettor in
9 the larceny of the automobile and that given that
10 reasonable cause, the arrest was as a matter of law and I
11 find as a matter of law that the arrest was a valid one
12 based upon reasonable cause and I deny the motion
13 to suppress.

14 All right. I shall endorse the motion papers
15 in accordance with the minutes.

CERTIFICATE OF SERVICE

August 23, 1977

I certify that a copy of this brief and appendix has been mailed to the United States Attorney for the Southern District of New York.

Steven Lloyd Barnett